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FEDERAL COMMUNICATIONS COMMISSION
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Mr. William P. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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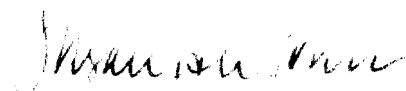
Re: Reply Comments Submitted to the Second Notice of Proposed Rule Making, CC Docket No. 94-54

Dear Mr. Caton:

Transmitted herewith, on behalf of Geotek Communications, Inc. ("Geotek"), are one (1) original and four (4) copies of Reply Comments submitted in the above-referenced proceeding. Copies of these Reply Comments have been duly served upon those parties specifically mentioned or cited to by Geotek.

If you should have any questions related to this matter, kindly contact the undersigned counsel.

Sincerely,



Susan H.R. Jones

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Interconnection and Resale Obligations)
Pertaining to)
Commercial Mobile Radio Services)

CC Docket No. 94-54

Reply Comments
of
Geotek Communications, Inc.

Geotek Communications, Inc. ("Geotek"), by its attorneys, and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.415, hereby submits its Reply Comments in response to some of the issues raised in comments filed with the Commission on June 14, 1995 in the above-referenced proceeding.

I. INTRODUCTION

In its Second Notice of Proposed Rulemaking, *In the Matter of Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services*, CC Docket No. 94-54, (released April 20, 1995) ("NPRM"), the Commission tentatively concluded that commercial mobile radio services ("CMRS") providers should not be required to ensure direct CMRS-to-CMRS interconnection at this time. In its Comments, Geotek supported this proposal, asserting that direct interconnection between the diverse CMRS providers is both technically infeasible and unnecessary. The Commission further proposed that CMRS providers should comply with certain obligations to resell their services to other CMRS providers. Geotek opposed this

proposal in its Comments, asserting that resale obligations are not appropriate for all segments of the diverse CMRS marketplace, and that requiring resale among the diverse and technically innovative providers of mobile communications services would inhibit further development and investment toward improving and increasing the quality and types of mobile services available in the market.

Because discussions regarding interconnection and resale are of significant relevance to Geotek as a CMRS licensee and provider, Geotek welcomes this further opportunity to participate in this proceeding by filing these Reply Comments.

II. COMMENTS

A. Mandated Resale Obligations Are Inappropriate for SMR Operators.

Geotek supports other commenters to this proceeding who assert that mandated resale obligations are not an appropriate regulatory device for the specialized mobile radio (“SMR”) industry. Simply, the SMR industry has developed as independent, co-existing systems, with little emphasis on universal standards or interoperability. This is a significant distinction from the cellular industry, where interconnection between competitive cellular carriers and compatible equipment or system design was mandated as the service developed. In light of this obvious distinction between the two industries, the proposal of mandated resale for SMR operators at this juncture poses significant technical and operational concerns.

Geotek thus supports the Comments submitted by the Personal Communications Industry Association (“PCIA”), which argue that the unique system designs and technical limitations of SMR systems make resale obligations both technically infeasible and economically burdensome

for SMR operators.¹ Logistical difficulties such as these fall within the Commission's stated objectives to exempt certain classes of CMRS operators from resale obligations, where the imposition of such obligations would not "be technically feasible or economically unreasonable."²

Geotek asserts that to impose resale obligations upon the SMR industry at this point in the development of the market is, indeed, not in the public interest.

B. Regulatory Parity is Best Achieved by Eliminating Resale Requirements for All Mobile Communications Providers.

In its Comments, Cellular Telecommunications Industry Association ("CTIA") advanced its position that the Commission impose resale obligations without exception to all CMRS providers.³ CTIA argued: "[c]onsistent with Congressional mandate, the Commission . . . must ensure that similar services are treated alike. Imposing equivalent resale obligations on all CMRS providers patterned upon the cellular model is a critical step in fulfilling this objective."⁴

Geotek proposes that the appropriate application of regulatory parity with respect to resale requirements is to *eliminate* the obligation for *all* CMRS providers. Such reduction in regulatory intervention is timely and appropriate given the active competition in the current wireless marketplace.

Resale obligations were initially imposed upon cellular carriers to prevent anti-competitive behavior by duopolistic cellular providers and to provide a competitive "head start"

¹ As noted in PCIA's Comments, cellular system design and function are not analogous, or even similar, to most SMR system designs and/or functions. System capacity, channel designations and monitoring capabilities, the balancing of mobiles and control stations, and caller or unit identification methods, are only some of the specific differences between the two services which pose technical or logistical blockades to requiring resale of SMR services. PCIA Comments, at 18

² NPRM, at ¶ 83.

³ CTIA Comments, at 25

⁴ *Ibid.*, at 24.

to non-facilities-based cellular carriers.⁵ With the now broadly competitive CMRS marketplace, such protectionist measures may no longer be appropriate. A consumer in need of mobile communications service will have a highly diverse market from which to choose. It is unlikely, even with the limited dominance or market-power still held by cellular carriers, that any one carrier will be able to act as a “bottle-neck” facility.

In the event that emerging technologies, such as personal communications services (“PCS”) operators, need “head start” resale opportunities to supplement service contours while building-out their facilities, the Commission could retain resale obligations for cellular carriers with a “sunset” period of five (5) years. At the expiration, of the five (5) year “sunset” period, PCS providers should no longer need to rely on the resale of cellular service and all resale obligations for all CMRS providers could be eliminated. In this way, the Commission could ensure regulatory parity without imposing unnecessary or infeasible regulations upon certain segments of the mobile communications market.

III. CONCLUSION

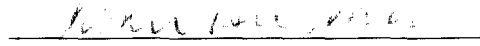
Geotek urges the Commission to decline to impose resale obligations upon SMR providers at this time. Geotek asserts that such obligations are technically infeasible and are, in fact, unnecessary in today’s competitive mobile marketplace. Acknowledging the Commission’s mandate to impose regulatory parity among all mobile service providers, however, Geotek proposes that the Commission *lift* resale obligations on cellular providers, subject to a “sunset” period of five (5) years.

⁵ NPRM, at ¶ 90.

WHEREFORE, for the foregoing reasons, Geotek urges the Commission to adopt regulations in accordance with the opinions expressed in its Comments and those expressed in these Reply Comments.

Respectfully Submitted,

GEOTEK COMMUNICATIONS, INC.

By: 
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Dated: July 14, 1995

CERTIFICATE OF SERVICE

I, Kim Davis, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 14th day of July, 1995, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing Reply Comments in CC Docket 94-54 to the following:

Mark J. Golden
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Kim Davis